

**Board of Selectmen's Minutes**  
**January 11, 2007**  
**Harpswell Town Office**  
Approved January 25, 2007

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**Selectmen Present:** Amy R. Haible, J. Katherine Chatterjee and Chairman Samuel W. Alexander

**Staff Present:** Kristi K. Eiane, Town Administrator and Marguerite Kelly, Town Treasurer

**Call to Order and Pledge of Allegiance:** The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

**1. Adoption of the Agenda:** Chairman Alexander moved, seconded by Selectman Chatterjee to amend the agenda by removing items 6, 8, 11 and 12 and add item 22a. Executive Session Regarding a Poverty Abatement; motion passed 3-0.

**2. Town Administrator's Report:** Administrator Eiane announced that Deputy Town Administrator, Terri Sawyer, will return to work on Tuesday after being out due to a broken leg. Administrator Eiane announced that she has been in contact with Brian Whitney of Senator Snowe's office to schedule a meeting regarding the status of the pipeline - a date is soon to come. Administrator Eiane stated that the Board has a meeting with Senator Edmonds, Representative Percy, Superintendent Wilhelm and representatives from their board on Tuesday the 16<sup>th</sup> in Augusta to discuss the proposed legislation regarding capital construction costs. Administrator Eiane stated that the cell tower work group had an initial meeting and will meet again on Friday with Paul Strout to discuss more details. Administrator Eiane informed the Board she has been asked by Malory O. Shaughnessy, Cumberland County Commissioner, to serve on the Cumberland County Redistricting Committee.

**3. Selectmen's Announcements:** Chairman Alexander announced he met with the Assessing Department regarding the Working Waterfront Program and believes it will not be a very beneficial program for commercial fisherman. Chairman Alexander encouraged anyone interested in learning more about the program to contact the Assessing Office. Chairman Alexander noted that the Board of Selectmen and Planning Board held a joint hearing on the CPIC proposals on January 10.

**4. Old Business:** There was no old business discussed.

**5. Treasurer's Report:** Marguerite Kelly, Town Treasurer, reviewed her monthly report for December (attached). Ms. Kelly stated that the TAN was completed December 31 and the bank has returned the note. Ms. Kelly reviewed that 94.3% of the 2006 tax commitment was collected as of December 31, resulting in approximately half a million dollars uncollected. Ms. Kelly noted that with the completion of the seven road capital improvement project, she has certified the completion with the bond bank. Ms. Kelly explained that there remain two outstanding tax debts from 2004 which are trailers and she is working with the Assessing Office to establish the owners. Ms. Kelly stated she should soon have a proposed plan to present to the Board on how to proceed with sale of the five properties of unknown ownership.

**6. Recognition of Former Harpswell Neck Fire Chief Nelson Barter:** Deleted.

**7. Request from Tom Fusco for Town to Name Appointee to the Restoration Advisory Board Associated with BNAS Site:** Tom Fusco explained that this is an important committee for Harpswell to participate in considering the proximity to BNAS and the potential environmental impacts. Mr. Fusco explained that the Restoration Advisory Board is a committee formed of stakeholders to allow input as to the process and environmental restoration status of the site. Mr. Fusco encouraged anyone to contact him directly for further

information. Chairman Alexander moved, seconded by Selectman Chatterjee to discuss participation and possible appointees during a workshop; motion passed 3-0.

**8. Wharf Application: David Ellis & Beth Van Alstyne-Ellis, 19 Linwood Lane, Tax Map 23, Lot 109:** Deleted.

**9. Re-Consideration of Wharf Application for William & Joyce Kelley, 15 Sea Spot Run, Tax Map 38, Lot 8, Denied at December 28, 2006 Selectmen's Meeting:** Joe Leblanc, representative of the Kelleys, stated that he and the builder, Paul Morgan, have visited the site at low tide with the objective to see if the wharf could be shortened. Mr. Leblanc explained that the pier could not be shortened for a number of reasons, including a ledge outcropping. Selectman Chatterjee moved, seconded by Selectman Haible to reconsider the wharf application for William and Joyce Kelley at a future Selectmen's Meeting; motion passed 3-0.

**10. Consider Proposed Advanced Life Support (ALS) Contract With Midcoast Paramedic Service for 2006 and 2007:** Administrator Eiane explained that Midcoast Hospital provides paramedic level services with a 'fly car' now known as MC1. This service provides advance life support care as needed at a cost of \$200 per call. It has been difficult to coordinate billing with the budget season and hence a flat fee contract has been negotiated. For 2006, the retroactive contract amount is \$13,800 since 6 calls at \$200 each have already been paid. The 2007 contract amount is proposed at \$15,000. Administrator Eiane recommends the Board enter into each agreement which should result in a reduction in costs while still providing an invaluable service. With the approval of the 2006 contract \$3072.74 would need to be used from contingency. Selectman Haible moved, seconded by Chairman Alexander to adopt the 2006 and 2007 contracts and authorize the Town Administrator to sign them; motion passed 3-0.

**11. Library Committee Mission Statement:** Deleted.

**12. Commemoration of Town's 250<sup>th</sup> Incorporation:** Deleted.

**13. Secret Ballot Consideration for CPIC Proposal:** Selectman Chatterjee moved, seconded by Chairman Alexander that these complex proposals should be discussed on the floor. Selectman Haible stated that due to the length of Town meeting, it's difficult to get a large voter turn out and therefore believes that there would be a larger number of voters if the items were voted by secret ballot. The Board discussed the complexity of the issues and how difficult it would be to vote without a public discussion on the floor of Town Meeting. Louise Huntington, chair of the CPIC, stated that the Committee met earlier today and still believes that the items should be voted on by secret ballot. Ms. Huntington stated that if these proposals were voted by secret ballot then they would be presented as is and if they were to be voted on the Town Meeting floor, then the Committee may consider more modifications. Ms. Huntington noted that these proposals have had extensive coverage including multiple forums, articles in the papers, articles in the bulletins and postings on the local television station and the Town's website. John Papacosma and Bob Waddle spoke in favor of placing these items on secret ballot. Selectman Haible agreed that having the proposals voted on the floor at Town Meeting would allow the Committee time to revisit the 100 foot road setback item so that these proposals are not defeated due to that one point. Selectman Chatterjee's motion passed 3-0.

**14. Other Secret Ballot Considerations:** Chairman Alexander moved, seconded by Selectman Chatterjee to have the community dock and accessory apartment proposals be voted on at Town Meeting floor; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Chatterjee to place the Curtis Memorial Library vote on secret ballot; motion passed 3-0.

**15. Steamboat Wharf Landing Road Name:** Chairman Alexander reviewed that the Board received a signed request by multiple property owners on Bailey Island and Orr's Island requesting that the road be named Steamboat Wharf Lane along with multiple photographs. Selectman Haible moved, seconded by Chairman Alexander to name the road Steamboat Wharf Lane; motion passed 3-0.

**16. Response to Town Lands Committee Report:** Chairman Alexander moved, seconded by Chairman Alexander to adopt the December 5, 2006 responses to the Town Lands Committee report. Bob Waddle suggested that the Board have the Conservation Corps. look at the Giant Stairs and Devil's Back to propose necessary path improvements. Administrator Eiane encouraged the Town Lands Committee to submit their recommendations regarding the Giant Stairs and Devil's Back in writing. Motion passed 3-0.

**17. Mitchell Field Planning Process Request for Proposal:** Selectman Haible stated that this RFP has been reviewed by the Board of Selectmen, staff and the Mitchell Field Committee. Selectman Haible moved, seconded by Selectman Chatterjee to adopt the 1/11/07 RFP and instruct the Town Planner to release it; motion passed 3-0.

**18. Appointment of David Mercier As Harpswell Neck Fire Chief & Member of Town's Fire and Rescue Committee:** Chairman Alexander moved, seconded Selectman Haible to appoint David Mercier as Chief of the Harpswell Neck Fire Department and as a member of the Town's Fire and Rescue Committee; motion passed 3-0.

**19. Proposed Recall Ordinance:** Selectman Haible explained that the Town's current recall ordinance is a difficult ordinance to recall anyone under as one as to be convicted of a crime first. Selectman Haible reviewed her findings from other town recall ordinances. Selectman Haible proposed revisions to the Town's recall ordinance by requiring a group of five people to submit a request to the Town Clerk. The Town Clerk then would prepare a petition with the request. The petition would require 20% of valid signatures to establish a special vote and then it must pass by a majority with a 40% turnout (based on the last gubernatorial election). Chairman Alexander did not support the proposal as there were no specific reasons for grounds of recall. Selectman Chatterjee stated that she too did not support this for a number of reasons including no specific reasons for recall, costs associated with special town meetings, no limits specified as to how many times a recall could be sought. Selectman Chatterjee moved to not have this proposal placed on the Town Meeting warrant. Motion failed for lack of a second. Selectman Haible noted that she wished both Chairman Alexander and Selectman Chatterjee could suggest specific grounds for recall and revisit the issue again.

**20. Authorization of the Warrant:** Kristi Eiane, Town Administrator recommended approval of two warrants for 2006, Warrant 66 and Warrant 67. Kristi Eiane, Town Administrator recommended approval of Warrant 2 and Payroll Warrant 2 for 2007. Selectman Haible moved, seconded by Chairman Alexander to approve Warrant 66 in the amount of \$53,231.42. Chairman Alexander moved, seconded by Selectman Haible to approve Warrant 67 in the amount of \$13,800 for the ALS contract with the use of \$3,702.74 from contingency; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to approve Warrant 2 in the amount of \$742,609.05; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to approve Payroll Warrant 2 in the amount of \$13,031.24; motion passed 3-0.

**21. Approval of the Minutes:** Chairman Alexander moved, seconded by Selectman Chatterjee to approve the minutes of November 30, 2006 as printed; motion passed 3-0. Selectman Haible moved, seconded by Selectman Chatterjee to approve the minutes of December 14, 2006 as printed; motion passed 3-0. Selectman Haible noted that the spelling of dialogue be corrected in the December 28 minutes. Chairman Alexander moved, seconded by Selectman Haible to approve the minutes of December 28 as corrected; motion passed 3-0.

**22. Public Comment:** CV Noyes requested that the minutes be approved and posted on the website more quickly. Alan Shaver gave a brief summary of the joint capital vehicle proposal, created by the three fire and rescue departments, that was submitted to the Budget Advisory Committee. Mr. Shaver stated his support of the proposed emergency services study and encouraged the Town to involve the three departments in this process.

Selectman Chatterjee moved, seconded Chairman Alexander to enter into executive session pursuant to 36 M.R.S.A 841(2); motion passed 3-0.

**22a. Executive Session Pursuant to 36 M.R.S.A. 841(2) Abatement for Infirmary or Poverty**

**23. Adjournment:** The meeting was adjourned by unanimous vote at approximately 8:40 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Town Treasurer's Report